

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2-15 are pending in the application, with claims 2, 9, and 15 being the independent claims. Claim 1 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. The amendment to claim 2 has support, for example, in FIG. 2 and page 18, line 23 to page 19, line 11. The amendment to claim 9 has support, for example, in FIG. 10, page 33, lines 17-19 and original claim 10. The amendment to claim 10 has support, for example, in FIG. 10 and page 31, line 23 to page 32, line 5. The amendment to claim 15 placed claim 15 into independent form. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for stating that the claim 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, claim 15 has been rewritten in independent form including all of the limitations of the base claim and the intervening claim. Claim 15 is in condition for allowance.

Objection to Claim 10 and 11

The Examiner objected to claims 10 and 11 stating that the limitation of "communication hole" should be changed to "communication port" as introduced in claim 9. In response, claims 10 and 11 have been amended as suggested by the Examiner.

Double Patenting

The Examiner provisionally rejected claims 1-3 and 9-14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 7-13 of copending Application No. 10/731,247. As this is a provisional rejection based on a copending application, Applicants have not provided a terminal disclaimer.

Rejection of Claims 1-8 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-8 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,637,294 to Nemoto ("the Nemoto patent"). Applicants respectfully traverse this rejection.

Claim1 has been cancelled and claim 2 has been amended to state:

(a) a flange portion of an intermediate housing connected to a second abutting surface of a flywheel housing is constituted so that a lower end is substantially at the same level as that of a hollow body portion of the intermediate housing and an upper end is higher than that of the intermediate housing, and

(b) the flange portion has an upper extension extending outwards in a radial direction from a top wall of the hollow body portion, a lateral

extension extending outwards and inwards in a radial direction from a lateral wall of the hollow body portion, and a lower extension extending inwards in a radial direction from a bottom wall of the hollow body portion so as to define an abutting surface located opposite to the second abutting surface of the flywheel housing, a support surface located radially inward of the abutting surface so as to support the HST unit, and a first-end opening located radially inward of the support surface.

With these features (a) and (b), claim 2 has such an advantageous effect that a free space can be obtained above the hollow body portion, thereby providing an improved design flexibility in designing a vehicle. Particularly, when a step bar or board is to be mounted above the top wall of the hollow body portion, the step bar can be mounted as low as possible by these features, thereby enabling the driver to easily get on and off the driver seat.

As the Examiner pointed out, the Nemoto patent discloses a construction wherein a second abutting surface of a flywheel housing (11) is connected to a flange portion of an intermediate housing (12) and a construction wherein a center section of an HST is supported by the flange portion of the intermediate housing. However, the Nemoto patent does not disclose or suggest the above features (a) and (b) of claim 2 of the present application.

That is, as is apparent from Fig. 1 of the Nemoto patent, the intermediate housing (12) described in the Nemoto patent is so configured that its flange portion is coaxially aligned with its hollow body portion and extends outwards in a radial direction from the hollow body portion. Specifically, the intermediate housing in the Nemoto patent is

constituted so that an upper portion, which is located at an upper side, of the flange portion extends upwards from a top wall of the intermediate housing and a lower portion, which is located at a lower side, of the flange portion extends downwards from a bottom wall of the intermediate housing. As described above, the construction disclosed in the Nemoto patent is completely different from that of the amended claim 2.

The Nemoto patent does not disclose or suggest features (a) and (b) discussed above. Therefore, the amended claim 2 is not anticipated by the Nemoto patent, and is not rendered obvious by the Nemoto patent.

Accordingly, for at least the above reasons, independent claim 2, and claims 3-8 which depend therefrom, are patentable. Applicants respectfully request that the Examiner reconsider the rejection of these claims and that this rejection be withdrawn.

Rejection of Claims 1-8 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 9-12 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,233,931 to Matsufuji ("the Matsufui patent").
Applicants respectfully traverse this rejection.

Claim 9 of the present application has a feature that the communication port of the partition wall, which divides a reservoir space into a filter housing portion and a main portion, is positioned in a lower region of the reservoir space. Claim 9 has been amended to further specify that the communication port is positioned at a substantial center of the reservoir space with respect to a vehicle width direction.

With this feature, claim 9 provides that the deterioration of the transmission efficiency in a transmission mechanism accommodated in the frame structure is

prevented by suppressing the oil amount in the reservoir space, while effectively preventing the oil shortage of oil sucked through the filter accommodated in the reservoir space. In addition, the fluctuation of the oil surface level in the reservoir space can be effectively prevented even when centrifugal force acts on a vehicle in rightward or leftward directions when the vehicle has been tilted rightward and leftward or during steering of the vehicle.

On the other hand, in the Matsufuji patent, the communication port is positioned at one side of the reservoir space in a vehicle width direction (left side in Fig. 8) rather than at center in the vehicle width direction. In the construction described in the Matufuji patent, the oil shortage occurs in the case where the vehicle has been tilted rightward or leftward or in the case where the vehicle has been steered, even though the communication port is positioned at a lower region of the reservoir space.

As described above, claim 9 of the present application has not only such a feature that the communication port is arranged at the lower region of the reservoir space, but also has such a feature that the communication port is positioned at a substantial center of the reservoir space in the vehicle width direction. The Matsufuji patent does not disclose or suggest a communication port positioned at a substantial center of the reservoir space in the vehicle width direction.

In addition the Nemoto patent does not disclose or suggest such a technical idea that the oil shortage is prevented even when the vehicle has been tilted rightward or leftward, or the like, by the provision of the communication port being positioned at a substantial center of the reservoir space in the vehicle width direction.

Therefore, claim 9 is not anticipated by the Matsufuji patent, and is not rendered obvious by the Matsufuji patent and/or the Nemoto patent.

Accordingly, for at least the above reasons, independent claim 9, and claims 10-12 which depend therefrom, are patentable. Applicants respectfully request that the Examiner reconsider the rejection of these claims and that this rejection be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over the Matsufuji patent as applied to claim 9, and in further view of the Nemoto patent. Applicants respectfully traverse this rejection.

Claims 13 and 14 are patentable for at least the reasons noted above with regard to claim 9, from which they depend. Applicants respectfully request that the Examiner reconsider the rejection of these claims and that this rejection be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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Date: May 1, 2006

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